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17 Attorneys for Plaintiff  
18 The Guardian Insurance and Annuity Company, Inc.

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20 UNITED STATES DISTRICT COURT  
21 NORTHERN DISTRICT OF CALIFORNIA  
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1 THE GUARDIAN LIFE INSURANCE  
2 AND ANNUITY COMPANY, a  
corporation,

3 Plaintiff,

4 vs.

5 CARLA M. UNTERMANN, an individual;  
6 PHILLIP UNTERMANN, an individual;  
7 BRENDA CAMILLI, an individual; LISA  
8 CAMILLI, an individual; KATHLEEN  
9 BUTLER CAMILLI, an individual;  
10 RICHARD L. CAMILLI, an individual;  
11 DOLPH F. CAMILLI, an individual;  
12 DIANNE R. ABRAHAM, an individual;  
13 DOUGLAS J. CAMILLI, an individual;  
14 BRUCE P. CAMILLI, an individual;  
15 SPCA OF SAN MATEO, California,  
business entity, form unknown; DIANNE  
R. ABRAHAM, as Successor Trustee of  
the Dolph L. Camilli Bypass Trust;  
WILLIAM H. SHEA, JR., as Successor  
Trustee of the Gerda M. Camilli Survivor  
Trust; CHRIS CAMILLI, an individual;  
and Does 1 through 10, inclusive,

Defendants.

Case No. C-07-3557-CEB

Complaint Filed: July 10, 2006

STIPULATION AND ~~PROPOSED~~ ORDER  
RE CONTINUANCE OF CASE  
MANAGEMENT CONFERENCE,  
EXTENSION OF TIME TO ACCOMPLISH  
SERVICE ON DEFENDANTS, AND  
EXTENSION OF TIME FOR DEFENDANTS  
TO RESPOND TO COMPLAINT

Hon. Charles E. Breyer

16 The parties, through their counsel of record, request that the case management conference  
17 set for October 19, 2007, be continued to May 9, 2008. The parties also request that the Court  
18 issue an order extending the time for service of Plaintiff's complaint, which was filed on July 10,  
19 2007, and extending the time for all defendants to respond to the complaint.

20 This is an interpleader action involving multiple defendants. Counsel for Trustees Mr.  
21 Shea and Ms. Abraham has advised the Guardian Life Insurance Company (Guardian) that the  
22 Trustees are attempting to contact and obtain stipulations from all other defendants that the order  
23 issued by the Superior Court of San Mateo County, California, on November 17, 2006,  
24 supersedes the beneficiary designations executed by decedent Gerda M. Camilli with regard to  
25 the 1997 and 1999 Guardian annuity contracts. Such stipulations will most likely resolve the  
26 issues underlying Guardian's complaint and request for declaratory judgment.

27 The Guardian is in the process of serving the defendants. To keep costs down, it has  
28 requested that the defendants accept service by mail pursuant to Rule 4 of the Federal Rules of

1 Civil Procedure, but only a few defendants have responded. The Guardian is attempting to  
2 confirm the contact information for the defendants who have not responded. In addition, two of  
3 the defendants are located outside the United States (Switzerland and Germany). If they do not  
4 accept service by mail, the Guardian may have to effect service through formal diplomatic  
5 channel procedures. Accordingly, the Guardian requires additional time, at least another six  
6 months, to locate and serve all of the defendants. The parties stipulate that the Guardian be  
7 given an extension of time until April 15, 2008 to accomplish service on the defendants. The  
8 parties further stipulate that Trustees Shea and Abraham accept service of the complaint, and that  
9 the time for all defendants to respond to the complaint is extended to the latter of April 25, 2008  
10 or the time prescribed in Rule 12 of the Federal Rules of Civil Procedure, for the reasons  
11 described above. No other extensions have previously been requested.

12  
13 IT IS SO STIPULATED:

14 Dated: September 7, 2007

15 CARR, McCLELLAN, INGERSOLL, THOMPSON & HORN  
16 Professional Law Corporation

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18 By: /s/  
19 Jeffrey R. Loew  
20 Attorneys for Defendant Trustee  
21 William H. Shea, Jr.  
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1 Dated: September 7, 2007

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3 LAW OFFICES OF JOHN G. CLARK

4  
5 By: \_\_\_\_\_ /s/  
6 John G. Clark  
7 Attorney for Defendant Trustee  
8 Diane R. Abraham

9 Dated: September 7, 2007

10 BURKE, WILLIAMS & SORENSON LLP

11  
12 By: \_\_\_\_\_ /s/  
13 Keiko J. Kojima  
14 Attorney for Plaintiff  
15 The Guardian Insurance and Annuity Company, Inc.

16 I, Jeffrey R. Loew, hereby attest that John G. Clark, counsel for Defendant Trustee Diane  
17 R. Abraham, and Keiko J. Kojima, counsel for Plaintiff, concur in the filing of this Stipulation.

18 Dated: September 7, 2007 By: \_\_\_\_\_ /s/  
19 Jeffrey R. Loew

ORDER

IT IS ORDERED that the case management conference is continued from October 19, 2007, to May 9, 2008, at 8:30 a.m.

IT IS FURTHER ORDERED that the Guardian be given an extension of time until April 15, 2008 to accomplish service on the defendants;

IT IS FURTHER ORDERED that the time for all defendants to respond to the complaint is extended to the latter of April 25, 2008 or the time prescribed in Rule 12 of the Federal Rules of Civil Procedure.

Dated: Sept. 19, 2007

The Honorable Charles R. Breyer

